



Date: August 26, 2010

From: Robert A. Tardif, P.E.
Administrator

At (Office): Water Division
Subsurface Systems Bureau

Subject: Expanding, Relocating, or Replacing Structures - Update

As a result of the enactment of SB 370 (Laws of 2010, Ch. 342), RSA 485-A:38 has been amended to include the following provisions relative to expanding, relocating, or replacing structures:

II.-b. No construction or operational approval shall be required from the department prior to expanding, relocating, or replacing any structure that does not increase the load on a sewage disposal system, as long as all of the following conditions are met:

(a) The lot is served by a sewage disposal system that received construction and operational approval from the department within 20 years of the date of the issuance of a building permit for the proposed expansion, relocation, or replacement.

(b) If the property is nonresidential, no waivers were granted in the construction or operational approval of any requirements for total wastewater lot loading, depth to groundwater, or horizontal distances to surface water, water supply systems, or very poorly drained soils.

(c) When applicable, the proposed expansion, relocation, or replacement complies with the requirements of the comprehensive shoreland protection act, RSA 483-B.

The new provisions take effect September 18, 2010. DES is in the process of revising rules in Env-Wq 1000 to reflect the amended statute. Until that process is complete, the statute will supersede both Env-Wq 1003.13 and Env-Wq 1004.15.